

### **REMARKS**

This responds to the Office Action mailed on April 6, 2005.

Claims 1-39 are presently pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lee et al. (U.S. Publication No. 2002/0099649 A1) in view of Cook (U.S. 6,853,987). It is of course fundamental that in order to sustain an obviousness rejection that each and every step or element in the rejected claims must be taught or suggested in the proposed combination of references. Here, it is clear that the Cook reference fails to teach the “payment facilitator,” which has the recited limitations of Applicants’ independent claims 1, 19, and 27.

More specifically, the “authorization system” of Cook does not *credit accounts* associated with a buyer and does not *debit an account* from an account, associated with the buyer, at a financial institution. *Emphasis added*. The Examiner’s attention is directed to column 15 lines 55-64. Here, Cook discusses what happens after its “authorization system” determines that an authorization is successful. It is unambiguous from this discussion that the Cook “authorization system” simply passes processing on to a payment system associated with the merchant. This processing is similar to what was described in Lee. In both Lee and Cook the payment processing is handled by interfaces associated with the merchant. This is not the case with Applicants’ invention.

In both Cook and Lee, the payment processing that occurs relies on the payment processing of the merchant. As was expounded upon in Applicants’ previous amendment and response, the Cook and Lee payment processing technique is more limiting and is not what occurs with Applicants’ invention. The “payment facilitator” of Applicants’ invention processes the transaction on behalf of the buyer and the merchant. It is the “payment facilitator” that credits a merchant’s account and debits an account associated with a financial institution of the buyer. Cook and Lee are not capable of this processing and therefore cannot be said to have a “payment facilitator” as is positively recited with limitations in the independent claims, such that a debit and credit occurs via the “payment facilitator.”

Applicants submit that this is a significant improvement, because both Cook and Lee continue to rely on a merchant's individual interfaces to complete a transaction. Accordingly, a merchant is required with Cook and Lee to install and implement interfaces associated with all financial institutions that the merchant desires to support. This does not make being a merchant any easier than what was conventionally the case before Cook and Lee existed. Conversely, the processing associated with completing transactions with financial institutions is offloaded from the merchant to the "payment facilitator" with Applicants' invention. Thus, a merchant can more easily be created and do business with Applicants' invention than what is achievable with Lee or Cook.

Therefore, Applicants respectfully request that the rejections be reconsidered in view of these remarks and that the claims be allowed, since Cook fails to teach the claimed "payment facilitator" of Applicants' invention.

**CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney (513) 942-0224 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

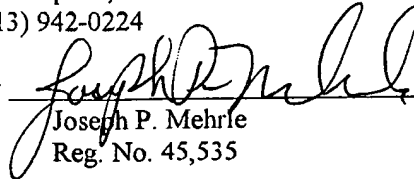
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By their Representatives,

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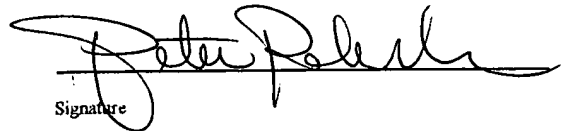
Date June 6-05

By

  
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6 day of June, 2005.

Peter Red-Henri  
Name

  
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